

MINUTES
UTAH DECEPTION DETECTION EXAMINER BOARD
DECEMBER 15, 2004 - 9:00 A.M.
Room 4A - Fourth Floor - Heber Wells Bldg.
160 East 300 South
Salt Lake City, Utah

CONVENED: 9:02 A.M.

ADJOURNED: 10:21 A.M.

PRESENT:

Clyde Ormond, Bureau Manager
Marty Simon, Board Secretary
Board Members:
Scott Barnett Steven Bartlett
Dana Walker Richard Triplett
John Pickup Brent Bullock

ABSENT:

Lon Brian

GUESTS:

Craig Jackson, Division Director

TOPICS FOR DISCUSSION:

DECISIONS AND RECOMMENDATIONS:

ADMINISTRATIVE BUSINESS:

Minutes

The minutes of the November 20, 2002 and September 18, 2003 board meeting were approved as written

New Board Members

Mr. Ormond administered the oath of office to John Pickup and Brent Bullock. Lon Brian was not present. Mr. Ormond then reviewed the duties and responsibilities of a board member, as stated in 58-1, Utah Code Annotated, and R156-1, Utah Administrative Code.

NEW BUSINESS:

Gordon Barland

Mr. Barland met with the Board to review his education and experience for licensure. He had been licensed from 1973 to 1986 as a deception detection examine but let his license expire when he went to work for the federal government. Mr. Barland obtained a BS degree in Psychology, on May 31, 1969 from the Wisconsin State University, a Masters degree in Psychology on June 3, 1972 and a Doctorate of Philosophy on August 16, 1975 from the University of Utah. He graduated from the U.S. Army Military Police polygraph course in 1970. Mr. Barland worked for the federal government until four years ago, but never became federally certified since he was exempt from licensure. Mr. Barland has been giving lectures in this profession since he retired.

Gordon Barland Apt (cont)

Mr. Bullock questioned the necessity of Mr. Barland being required to complete an internship. Mr. Ormond referred to Section 58-1-308-(6)(a), Utah Code Annotated, that states “If not reinstated within two years, the holder may obtain a license only if he meets requirements provided by the division by rule or by statute for a new license.” This means that Mr. Barland must complete an internship since he was originally licensed by being grand fathered-in without completing an internship.

Mr. Barland then spoke about how he has continued to be active in the profession by teaching and reviewing the deception detection examiner examination and reporting on the strengths of the exam. He has also kept current with the latest technologies in the field. Mr. Barland further stated he intends to limit his future work to criminal suspects for attorneys or law enforcement agencies or pre-employment exams.

Mr. Barnett asked him if he had a problem with doing the internship. Mr. Barland stated he did due to the amount of exams required within the amount of time but is willing to comply with it to become licensed again. Section 58-64-302 (1)(h) states an intern must complete 100 exams, in not less than one year, under the direct supervision of a licensed deception detection examiner. Therefore, he could take additional time to complete the 100 deception detection exams. The supervisor doesn’t have to be in the room when the exams are done. He inquired whether he would be allowed to charge for the exams during the internship and the Board stated he could.

A motion was made by Mr. Bullock and seconded by Mr. Pickup to approve Mr. Barland for licensure as a deception detection intern contingent upon his submitting the completed “Internship Supervision Agreement” form from his supervisor and documentation showing he has passed the Utah Deception Detection Examiners Law & Rules exam. He will be required to complete 100 deception detection exams during the internship but his experience and education will exempt him from taking the Deception Detection Examiner exam. Also, the application he submitted will be converted to application for licensure as a deception detection intern. The motion carried unanimously.

The Board reviewed Mr. Hiatt's application for licensure as a deception detection intern. Michael Darris is listed as his supervisor for his internship. Mr. Hiatt completed a 320-hour program with Backster School of Lie Detection on November 12, 200 and has passed the Utah Law & Rules and the Utah Deception Detection Theory exams. He has been employed as a criminal investigator for 15 years with the Dept of Corrections and has 8000 hours of work experience. A motion was made by Mr. Bartlett and seconded by Ms. Walker to approve him to be a deception detection intern. The motion carried unanimously.

DISCUSSION ITEMS:

Length of Time for Internships

It was suggested that four years be established as a required length of time to complete an internship. If the intern lives in a rural area, the Board could recommend some places to get the required 100 exams if the person is working in a rural area.

Comments on the Minutes

Mr. Ormond asked Mr. Triplett about the status of the Voice Stress Analyst Association that he had talked about forming at the last board meeting. He replied that it hadn't been done yet but he may meet with them in March 2005 to discuss the matter. It doesn't seem to be necessary since they are now exempt from licensure.

Changes to the Statute

The Board discussed making some changes to the statute and Mr. Jackson stated the window of opportunity for the Division to file a bill is November 1, for the 2005 legislature.

Other Types of Experience for Licensure

Mr. Ormond asked whether the Board would consider accepting other types of polygraph experience for licensure, in professions other than law enforcement. Mr. Bartlett stated the bulk of people applying have obtained their experience in law enforcement. Mr. Ormond stated that to restrict the experience to that obtained in law enforcement might be considered "gatekeeping".

Mr. Barnett asked if other types of experience outside the law enforcement could be considered according to the current rules. Mr. Ormond replied that as the rules are currently written, it restricts the acceptable experience to law enforcement agencies. The Board discussed the possibility of broadening the rules to allow other types of experience. Mr. Ormond suggested adding the wording "or experience subject to board approval" to R156-64-302b (2). The Board was agreeable to that.

Any other necessary changes to the rules will be discussed at the April 20, 2005, board meeting. Mr. Ormond suggested any changes the board members want should be submitted to him in writing prior to the board meeting so he can include the language in the proposed rules draft.

NEXT MEETING:

April 20, 2004. will schedule a meeting in September for the rules hearing. This board likes to meet on Wednesdays. Steve doesn't like meetings on the first or last of the month.

DATE APPROVED

CHAIRPERSON, UTAH DECEPTION
DETECTION EXAMINER BOARD

DATE APPROVED

BUREAU MANAGER, DIVISION OF
OCCUPATIONAL & PROFESSIONAL
LICENSING